

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-21 in the application. In previous responses, the Applicant has amended Claims 1, 8 and 15 and has canceled Claims 2, 9 and 16. No claims have been added. Accordingly, Claims 1, 3-8, 10-15 and 17-21 are currently pending in the application.

I. Rejection of Claims 1, 3-8, 10-15 and 17-21 under 35 U.S.C. §103

The Examiner has rejected Claims 1, 3-8, 10-15 and 17-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,845,079 to Wada, *et al.* in view of U.S. Patent No. 5,974,460 to Maddalozzo. The Applicant respectfully disagrees.

Wada is directed to a migration communication control device that controls a communication between a mobile node and a corresponding node to enable continuous communication there between when the mobile node migrates by managing addresses assigned to the mobile node when migrating across networks. (*See* column 1, lines 11-16.) Wada discloses a migration communication control device that includes a migration address unit. (*See* column 12, lines 60-64.) The migration address unit includes a reception packet unit, a migration post information unit, an address comparison unit, an address conversion post transmission unit, and a marked packet conversion unit. (*See* column 13, lines 4-8.)

The Examiner asserts that the reception packet unit makes a determination of whether a site is a mobile site or a fixed site of a computer network as recited in independent Claims 1, 8 and 15. (*See* Examiner's Action, page 3.) The reception packet unit, however, detects whether or not a received packet is a packet comprising a migration post message that is transmitted by the mobile host. (*See* column 13, lines 9-14.) The reception packet unit, therefore, determines if the

origin of a packet is from a mobile host before migration or from the mobile host after migration. Thus, Wada provides no teaching or suggestion of determining whether a site is a mobile site or a fixed site but determines if a packet was originated from a mobile host before or after migration.

The Examiner also asserts that the migration communication control device, also referred to as a gateway, manages communication with a site based on determining if the site is a mobile site or a fixed site. (*See Examiner's Action*, page 3.) As discussed above, the Applicant does not find where Wada makes a determination if a site is a mobile site or a fixed site. Accordingly, Wada does not teach or suggest managing communication with a site based on a determination of whether the site is a mobile site or a fixed site of a computer network as recited in Claims 1, 8 and 15.

Additionally, the Examiner asserts that the gateway directs a communication to a mobile site based on if the mobile site is in wireless communication with the computer network. (*See Examiner's Action*, page 3.) Again, the Applicant disagrees since Wada is directed to maintaining wireless communication between a mobile host and a partner host instead of basing communication with the mobile host on if the mobile host is in wireless communication with the partner host. (*See column 2, lines 54-60.*) Accordingly, Wada does not teach or suggest directing a communication to a mobile site when the mobile site is in wireless communication with a computer network as recited in independent Claims 1, 8 and 15 but instead teaches maintaining wireless communication with a mobile host.

Wada also does not teach or suggest directing a communication, when a site is a mobile site, either to the mobile site when the mobile site is in wireless communication with the computer network or to a mirror site when the mobile site is out of wireless communication with the

computer network as recited in independent Claims 1, 8 and 15. The Examiner recognizes that Wada does not teach or suggest a mirror site and cites Maddalozzo to teach a mirror site. (See Examiner's Action, page 3.) The Applicant agrees that Maddalozzo discloses a mirror site but does not find where Maddalozzo teaches or suggests directing communication to a mirror site of a mobile site based on when the mobile site is out of wireless communication with a computer network. Instead, Maddalozzo is directed to selecting the most efficient mirror site from a plurality of mirror sites. (See column 1, lines 6-9 and the Abstract.)

Wada provides no teaching or suggestion to direct communication to a mirror site when a mobile site is not in wireless communication with a computer network since Wada does not even teach a mirror site and is directed to maintaining wireless communication with a mobile host as a mobile host migrates. Thus, the combination of Wada and Maddolozzo provide no teaching or suggestion of directing a communication, when a site is a mobile site, either to the mobile site when the mobile site is in wireless communication with a computer network or to a mirror site of the mobile site when the mobile site is out of wireless communication with the computer network

Therefore, for at least the reasons argued above, cited combination of Wada and Maddolozzo fails to teach or suggest each and every element of independent Claims 1, 8 and 15. Thus, Wada and Maddolozzo do not provide a *prima facie* case of obviousness of independent Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 1, 3-8, 10-15 and 17-21 and allow issuance thereof.

Furthermore, one skilled in the art would not be motivated to combine Maddalozzo with Wada. On the contrary, Wada is directed to maintaining communication with a mobile host as the

mobile host migrates across networks. Maddalozzo, on the other hand, is concerned with determining which mirror site out of multiple mirror sites in a network is the most efficient site for communication.

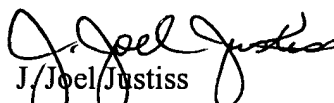
II. Conclusion

In view of the foregoing remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1, 3-8, 10-15 and 17-21.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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